IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 5470 OF 2004.

Arunodaya Co-operative Housing
Society Limited. ... Petitioner.

V/s.

Shri Selin N. D'Souza & ors. ... Respondents.

S.A.Sawant for the petitioner.

A.H.Palekar, AGP for resopondent Nos.2 and 3.

CORAM: V.C.DAGA, J.

DATED: 10th March 2006.

P.C.:

. Heard learned counsel for the petitioner and learned A.G.P. on behalf of respondent Nos.2 and 3.

2. Vide order dated 5th July, 2004, notice was issued for hearing and final disposal of the petition, returnable after six weeks. The learned counsel for the petitioner submits that all the respondents have been served. He has filed affidavit of service.

3. It is not in dispute that the revision filed before the Divisional Joint Registrar of the Co-operative Societies was delayed. Therefore, the revision could not have been entertained by the revisional authority without condoning the

delay in filing revision. In was expected on the part of the revisional authority to apply its mind to the point of limitation when the specific question was raised. It could not have brushed aside the same. The manner in which the revision is considered can hardly stand to the judicial scrutiny. The Officer of the rank of the Divisional Joint Registrar is expected to deal with all the contentions raised by the rival parties. From the order it is clear that the order is premature and passed without giving any reason in support of findings recorded.

4. In the above view of the matter, the impugned order cannot stand to the scrutiny of law. The same is, therefore, set aside. The proceedings are remitted back to the Divisional Joint Registrar for consideration afresh.

5. Rule is made absolute in terms of this order with no order as to costs.

(V.C.DAGA, J.)